

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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|-----------------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Parts 13 and 80 of the |) | WT Docket No. 00-48 |
| Commission's Rules Concerning |) | |
| Maritime Communications |) | |
| |) | |
| Petition for Rule Making Filed by Globe |) | RM-9499 |
| Wireless, Inc. |) | |
| |) | |
| Amendment of the Commission's Rules |) | PR Docket No. 92-257 |
| Concerning Maritime Communications |) | |

"Petition to Reconsider" Memorandum Opinion and Order and Third Report and Order:

Comments by:

Owen Anderson and Kurt Anderson, GMDSS Instructors and Consultants

Submitted February 25, 2008

Owen Anderson's professional career in the field of maritime communications spans the period from 1945 through 1990. Involvement with GMDSS began in June of 1998.

Member of the National GMDSS Task Force and chair of the training group.

Kurt Anderson's professional career in the field of maritime communications spans the period from 1979 through 1999. Involvement with GMDSS began in 1999. Member of the National GMDSS Task Force training group.

Our primary concerns are regulations concerning log keeping and equipment testing requirements. In the process of reviewing the regulations we noted a number of other areas that might be worthwhile reviewing and these have been added at the end for your consideration.

We respectfully submit the following comments concerning this proceeding:

Background comments by Kurt Anderson:

The proposed language of 80.1117 and of 80.409 (e) (1) is a significant improvement but still does not resolve the basic watch standing and log keeping problems faced by the watch officer. The regulations are written as though the watch officer is always the first to receive a DSC Distress call and that the call is actually in real time on that day. That is how the system was designed to work decades ago but it has never fulfilled that vision very well.

The real world situation regarding DSC Distress calls is as follows:

The vast majority of Distress DSC calls received aboard a vessel are Relays and/or Acknowledgments by both ship and shore stations of inadvertent DSC transmissions. Many of the calls are Relays of Relays of Relays of calls half a world away. There is no way for watch standers at either a ship station or coast station to know if these calls pertain to a genuine distress -- except by setting watch on the associated voice or telex follow-on frequencies and listening for Distress traffic.

Some of these inadvertent transmissions are retransmissions out of the DSC call data directory of calls that are not even from that day and in my experience of logging thousands of DSC calls -- may be many months old. Without a Day/Month/Year value in these calls it is impossible to determine whether they are from the current day or not. The watch keeping and log keeping rules should work together to maximize the lifesaving potential of GMDSS while minimizing unnecessary log keeping entries.

Two real-word examples – the duty officer at a USCG COMMSTA – logging over ten thousand of these calls every year – when asked what happens to them shrugged his shoulders and said – they just get passed up the chain of command.

In GMDSS class several weeks ago we received 5-6 DSC calls from NOJ Kodiak and NMC Pt. Reyes on 8 MHz with the position of the Distress vessel in the middle of the Indian Ocean. How many ships were in the DSC chain of transmitted calls to cause this? Probably at least 4-5 and potentially many more. These calls likely lit off coast stations and ship stations throughout the Indian and Pacific oceans and in fact in all likelihood did not pertain to a genuine Distress – should everyone involved have to log these calls? Very rarely does a ship receive a DSC Distress Alert from the originating vessel and even then the vast majority of these are either mistakenly sent or in a few cases maliciously transmitted. In these few cases the language of 80.1117 makes sense.

The phrase “communications affecting the station’s own ship” is still too vague. To differentiate DSC Distress traffic from non-DSC Distress communications the following revisions to 409(e)(1) are proposed:

1- A summary of all Distress and Urgency communications transmitted by the station’s own ship.

2-A summary of all voice, telex or other non-DSC Distress communications received from other vessels. Any such communications received should be relayed to search and rescue authorities -- unless it is evident they have been already received by a Coast station or

search and rescue authorities. A summary of all voice, telex or other non-DSC Distress communications received from search and rescue authorities.

3- A summary of all DSC Distress communications received from the originating vessel and all DSC Distress Alerts that are relayed or acknowledged by the station's own ship as per 80.1117.

4- DSC Distress Acknowledgments and/or Relays from Coast stations or other ship stations do not have to be entered into the station log.

5- A summary of all voice, telex or other non-DSC Urgency communications received from other vessels. A summary of all DSC Urgency communications received from the originating vessel.

The reasoning for the above proposed language is as follows:

#2- In an actual Distress (i.e. one in which non-DSC communications are heard) the traffic is often fragmented due to propagation variations.

#3- DSC Distress calls from the originating vessel are either inadvertent or malicious or genuine – and in all of these cases they should be logged.

#4- There is no useful purpose in logging Coast station or ship station DSC Distress Acknowledgments or Relays when everyone knows that 99% plus are just responses to inadvertent alerts. This is especially true given that many of these are Relays of retransmitted events from days or even weeks in the past. If it is still considered that DSC Distress Acknowledgements and Relays from DSC Coast stations must be logged -- then please at least remove the requirement to log such calls from other ship stations.

#5- Urgency calls are so rare and do not have a DSC Acknowledgement or Relay feature that logging them will not be a burden.

The purpose of the regulations should be to focus the watch officer's attention on those events that may pertain to a genuine Distress. The above proposed language (or anything closely similar) would significantly reduce the log keeping burden on GMDSS ships while making it explicitly clear to the watch officer how to respond to Distress calls and how to log those communications correctly.

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The docket lists the following item on Page-40, pp-75 and invites comments:

G. Testing of GMDSS Radio Equipment

75. We propose to add a rule to Subpart W of Part 80 to clarify that vessels subject to the Subpart W GMDSS requirements are required to test their radiotelephone equipment on a daily basis. Section 80.869, 47 C.F.R. § 80.869, imposes a daily testing requirement, but that Subpart R rule, although formerly applicable to all GMDSS vessels, is no longer applicable to vessels governed by Subpart W. Since it was never the Commission's intention to relieve Subpart W GMDSS vessels of the daily testing requirement, we believe it is appropriate to set forth that requirement in a Subpart W rule. We invite comment on this proposal. In the interim, we encourage the continued testing of GMDSS radiotelephone equipment.

We support this small step towards clarifying the requirement for GMDSS equipment testing.

Unfortunately, it does not adequately deal with the problem of the rules concerning equipment testing of compulsory equipped vessels. The current rules are both fragmented and contradictory.

Numerous sections in Part-80 govern equipment tests for compulsorily equipped vessels.

- Subpart C: Operating Requirements and Procedures.
Sec. 80.101 Radiotelephone testing procedures.
- Subpart I: Station Documents. Sec. 80.409 Station logs. 80.409 (e)(3)(5)(9)(10)(11)
- Subpart R: Compulsory Radiotelephone Installations for Vessels 300 Gross Tons.
Sec. 80.869 Test of radiotelephone station.
- Subpart S: Compulsory Radiotelephone Installations for Small Passenger Boats.
Sec. 80.931 Test of radiotelephone installation.
- Subpart T: Radiotelephone Installation Required for Vessels on the Great Lakes.
Sec. 80.971 Test of radiotelephone installation.

Submitted by Owen Anderson & Kurt Anderson:

- Subpart U: Radiotelephone Installations Required by the Bridge-to-Bridge Act.

Sec. 80.1023 Test of radiotelephone installation.

- Subpart W: Global Maritime Distress and Safety System (GMDSS).

80.1095 Survival craft equipment and 80.1099 Ship sources of energy (f)(2).

Existing rules on GMDSS equipment testing are covered in:

Subpart W: Sec. 80.1095 Survival craft equipment.

(c) Survival craft equipment must be tested at intervals not to exceed twelve months.

Sec. 80.1099 Ship sources of energy. (f) (2) Battery charge levels should be checked at intervals of 30 days or less with equipment turned ON and the battery charger turned OFF. Portable equipment with primary batteries such as EPIRBs and SARTs should be checked at the same intervals using methods recommended by the manufacturer. The results of battery checks should be recorded in the radio log.

Subpart I: Sec. 80.409 Station Logs. (e) Ship radiotelephone logs.

(3) An entry that pre-departure equipment checks were satisfactory and that required publications are on hand. Daily entries of satisfactory tests to ensure the continued proper functioning of GMDSS equipment shall be made.

(5) A weekly entry that:

(i) The proper functioning of digital selective calling (DSC) equipment has been verified by actual communications or a test call; (See comments below)

(ii) The batteries or other reserve power sources are functioning properly;

(iii) The portable survival craft radio gear and radar transponders have been tested;
and

(iv) The EPIRBs have been inspected.

(9) Results of required equipment tests, including specific gravity of lead-acid storage batteries and voltage reading of other types of batteries provided as a part of the compulsory installation;

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(10) Results of inspections and tests of compulsorily fitted lifeboat radio equipment;

(11) A daily statement about the condition of the required radiotelephone equipment,
as determined by either normal communication or test communication;

Comments:

Survival Craft Equipment includes the EPIRB. Sec. 80.1095(a)(b) describe carriage requirements for Radar Transponders (SART) and VHF Radiotelephones. The 12 month interval listed for those devices in 80.1095(c) is in conflict with other rules stating different intervals for testing this equipment. (80.1099(f)(2) and 80.409 (e)(5)(iii). Sec. 80.1099(f)(2) uses the term "Portable equipment with primary batteries such as EPIRB's and SARTs". Presumably this would also include VHF 2-way radiotelephones. The interval listed here is 30 days. This 30 day interval is in conflict with 80.409 (e)(5)(iii) which still requires a weekly test for the VHF radiotelephones and radar transponders.

From the docket:

Sec. 80.409: It is proposed to delete (e)(5)(ii) requiring a weekly emergency battery test and change (iii) and (iv) to (ii) and (iii). Further it is proposed to add a new paragraph (6) and renumber the old paragraphs 6-12 as 7-13.

(e)(6) An entry at least once every thirty days that the batteries or other reserve power sources have been checked and are functioning properly.

Comment: The above changes are the result of original comments filed arguing that a weekly test of the survival craft radios and radar transponders was too frequent and would result in depletion of the batteries. This position was originally rejected but reconsidered in the latest round. Unfortunately the revision was applied only to (ii) covering the reserve power source batteries. Paragraph (iii) covering survival craft radios

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and radar transponders was left untouched. This is in conflict with 80.1099 (f)(2) which requires a monthly test.

As a result of the above we have confusing and conflicting rules governing GMDSS equipment testing. Simply adding a new section to Subpart-W requiring a daily test of the radiotelephone equipment does not address the problem.

Proposed Solution: All the required equipment tests for compulsory equipment should be listed in a single new section. Since GMDSS has the highest requirements for testing it would be vastly preferable to have a separate listing under Subpart-W. If this is deemed unworkable all compulsory testing requirements could also be a new section in Subpart-C adjacent to or part of 80.101. References to this master list of equipment test requirements would then be inserted in the Subparts R and W and others as appropriate. We would be willing to offer alternatives if either of these is unacceptable.

New Section: 80.1xxx Equipment tests. All required equipment shall be tested in accordance with this section and logged in accordance with 80.409 (e)(3)(4)(6)(7)(8).

(a) Pre-departure. All required equipment shall have the same tests as required in 80.1xxx (b). Additionally, an inspection shall be made to determine that the following items, if required, are available onboard the vessel: Note: The pre-departure requirement shall only apply once per day if the vessel makes multiple arrivals and departure in a single day.

- (1) All required documents and publications.
- (2) Survival Craft Radios
- (3) Radar Transponders (SART)
- (4) EPIRB

(b) Daily tests of the following equipment, if required to be carried, unless the normal use of the required equipment demonstrates that the equipment is operating. When these tests are performed by a person other than the master and the equipment is found to be defective the master must be promptly notified.

(1) All Radio Telephone Equipment other than survival craft radios.

(2) Digital Selective Calling (DSC) equipment.

(3) Inmarsat-C Terminal.

(4) NBDP Equipment. (5) NAVTEX

(6) Battery charging equipment. Record meter readings for voltage and charging current if available. (c) Monthly equipment tests:

(1) Survival Craft Radios

(2) Radar Transponders (SART)

(3) EPIRB

(4) The GMDSS equipment or other compulsory equipment should be tested with the ship's AC supply turned OFF to ensure operation solely from the emergency batteries. While operating on battery power, the specific gravity of each cell in lead-acid batteries and the voltage readings of each cell (if accessible) in other types of batteries shall be checked and the results entered in the log.

Comment: Current rules require only a weekly test of the DSC function but a daily test of the radiotelephone equipment. Since the DSC function is the primary technology for sending and receiving terrestrial distress alerts: its testing schedule should be the same as for the radiotelephone equipment, daily and pre-departure.

With reference to (c)(4) requiring monthly check of equipment operating solely from batteries-- we have taught GMDSS material on board 2 vessels neither of which could operate their console from the emergency batteries. We are also aware of another notorious incident where a large tanker had gone through 5 annual inspections before it

was discovered that there was no battery charger installed. Further, the ship's crew apparently failed to wonder why their batteries were always failing.

Proposed Revisions:

Subpart-I: Sec. 80.409(e)(3) revised as follows: An entry that all required equipment checks were performed in accordance with **80.1xxx** and were satisfactory. When the tests are performed by a person other than the master and the equipment is found to be defective the master must be promptly notified and the time of notification entered in the log. (Note: **80.1xxx** indicates the new section containing the list of equipment tests and their schedule)

(4) An entry describing any malfunctioning GMDSS equipment and another entry when the equipment is restored to normal operation.

(5)(~~ex-6~~) The time of any inadvertent transmissions of distress, urgency and safety signals including the time and method of cancellation.

(6)(~~ex-7~~) At the beginning of each watch, the Officer of the Navigational Watch, or GMDSS Operator on watch, if one is provided, shall ensure that the navigation receiver is functioning properly and is interconnected to all GMDSS alerting devices which do not have integral navigation receivers, including: VHF DSC, MF DSC, satellite EPIRB and HF DSC or INMARSAT SES. On a ship without integral or directly connected navigation receiver input to GMDSS equipment, the Officer of the Navigational Watch, or GMDSS Operator on watch, shall update the embedded position in each equipment. An appropriate log entry of these actions shall be made.

(7)(~~ex-8~~) A GMDSS radio log entry shall be made whenever GMDSS equipment is exchanged or replaced (ensuring that ship MMSI identifiers are properly updated in the

replacement equipment), when major repairs to GMDSS equipment are accomplished,
and when annual GMDSS inspections are conducted.

(8)(~~ex-12~~) When the master is notified about improperly operating radiotelephone
equipment.

Subpart R: Sec. 80.869 Equipment Tests.

Subpart S: Sec. 80.931 Equipment Tests.

"All required equipment shall be tested in accordance with 80.1xxx and logged in accordance with 80.409 (e)(3)(8)."

Subpart W: Delete 80.1095 (c) and 80.199(f)(2).

If the proposed 80.1xxx listing equipment tests is located under Subpart-W it can be entered in its entirety under any available number.

If 80.1xxx is located elsewhere the following rule should be inserted under any available number:

"All required equipment shall be tested in accordance with 80.1xxx and logged in accordance with 80.409 (e)(3)(4)(6)(7)(8)."

This concludes our commentary on log keeping and equipment testing. The following items presented during a review of the rules and are listed for your consideration.

Even though Subpart-Q covering Radio Telegraph has been deleted there are a number of remaining rules pertaining to Radio Telegraph that should be deleted.

- Sec. 80.146: Watch on 500 kHz.
- Sec. 80.268, 80.288, 289, 290, 291, 292 and 293.

Comment: These rules were formerly in Subpart-Q and should be deleted. Except for 80.268 they refer to radio direction finders. These are no longer required and have been removed from most vessels.

- Sec. 80.304 Watch requirement during silence periods. (a) **(Delete, 500 kHz)**
- Sec. 80.305 Watch requirements of the Communications Act and the Safety Convention. (a)(1) **(Delete, 500 kHz)**

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- Sec. 80.306: Provisions governing the radiotelegraph watch. (Delete)
- Sec. 80.307 Compulsory use of radiotelegraph auto alarm. (Delete)

- Sec. 80.313 Frequencies for use in distress. **(Delete 500 kHz)**
- Sec. 80.317 Radiotelegraph and radiotelephone alarm signals. (a) radiotelegraph...
(Delete)
- Sec. 80.318 Use of alarm signals. (a) radiotelegraph...**(Delete)**
- Sec. 80.409 (b)(3) Ship radiotelegraph logs must be kept in the principal
radiotelegraph operating room during the voyage.

(d) Ship radiotelegraph logs. Logs of ship stations which are compulsorily equipped for radiotelegraphy and operating in the band 90 to 535 kHz must contain log entries as follows:

(f)(1)(i)(E)**Q**....

Comment: Delete the above: Sub-Part-**Q** covering radiotelegraph stations has been deleted.

80.409 (f) Applicable radiotelephone log entries. The log entries listed in paragraph (e) of this section are applicable as follows:

Comment: This section covers required log entries for various classes of stations. These entries should be deleted and moved to the respective Subpart that they cover. This section also covers periodic station inspections. There is a good deal of material in this category that is duplicated in 80.59. A simple reference to the appropriate paragraphs in 80.59 would allow most of this material to be eliminated.

Sec. 80.59 Compulsory ship inspections.

Comment: This section appears to be a comprehensive rule on ship inspections. A simple reference to the appropriate portion of this section in Subparts R, S, T, U and W would eliminate a lot of duplicated material.

Proposed revisions: In the table listing FCC License requirements for conducting inspections, since Subpart Q has been deleted the references to Q should be deleted. The top line listing "Radiotelephone equipped vessels subject to 47 CFR part 80, subpart R or S should have subparts T and U added.

This would allow references to license requirements in 80.59 (b), 80.953 (b), 80.1005 and 80.1067 (a) to be deleted.

Subpart R_Compulsory Radiotelephone Installations for Vessels 300 Gross Tons:

Comment: There does not appear to be any specific rules in this section on inspections.

There should be a paragraph listing the interval for the inspections and referring to Sec. 80.59.

Subpart S_Compulsory Radiotelephone Installations for Small Passenger Boats:

Sec. 80.903 Inspection of radiotelephone installation.

Every vessel subject to Part III of Title III of the Communications Act must have a detailed inspection of the radio installation by an **FCC-licensed technician in accordance with Sec. 80.59** once every five years. The FCC-licensed technician must use the latest FCC Information Bulletin, How to Conduct an Inspection of a Small Passenger Vessel. If the ship passes the inspection, the technician will issue a Communications Act Safety Radiotelephony Certificate. Communications Act Radiotelephony Certificates may be obtained from the Commission's National Call Center--(888) 225-5322--or from its forms contractor.

Comment: The phrase **FCC-licensed technician in accordance with Sec. 80.59** should be used in other subparts where appropriate so unnecessary wording can be deleted.

Subpart T: Radiotelephone Installation Required for Vessels on the Great Lakes:

Sec. 80.953 Inspection and certification.

(a) Each U.S. flag vessel subject to the Great Lakes Agreement must have an inspection of the required radiotelephone installation **by an FCC-licensed technician in**

accordance with Sec. 80.59 at least once every 13 months. This inspection must be made while the vessel is in active service or within not more than one month before the date on which it is placed in service. (Add the highlighted phrase above)

(b) An inspection and certification of a ship subject to the Great Lakes Agreement must be made by a technician holding one of the following: a General Radiotelephone Operator License, a GMDSS Radio Maintainer's License, a Second Class Radiotelegraph Operator's Certificate, or a First Class Radiotelegraph Operator's Certificate.

Additionally, the technician must not be the vessel's owner, operator, master, or an employee of any of them.

Comment: With the addition in (a) the highlighted portion of (b) is redundant and should be deleted.

The results of the inspection must be recorded in the ship's radiotelephone log and include:

- (1) The date the inspection was conducted;
- (2) The date by which the next inspection needs to be completed;
- (3) The inspector's printed name, address, class of FCC license (including the serial number);
- (4) The results of the inspection, including any repairs made; and
- (5) The inspector's signed and dated certification that the vessel meets the requirements of the Great Lakes Agreement and the Bridge-to-Bridge Act contained in subparts T and U of this part and has successfully passed the inspection.

(c) The vessel owner, operator, or ship's master must certify that the inspection required by paragraph (b) was satisfactory.

(d) The ship's log must be retained on-board the vessel for at least two years from the date of the inspection.

Subpart U: Radiotelephone Installations Required by the Bridge-to-Bridge Act

Sec. 80.1005 Inspection of station.

The bridge-to-bridge radiotelephone station will be inspected on vessels subject to regular inspections pursuant to the requirements of Parts II and III of Title III of the Communications Act, the Safety Convention or the Great Lakes Agreement at the time of the regular inspection.

If after such inspection, the Commission determines that the Bridge-to-Bridge Act, the rules of the Commission and the station license are met, an endorsement will be made on the appropriate document. The validity of the endorsement will run concurrently with the period of the regular inspection. Each vessel must carry a certificate with a valid endorsement while subject to the Bridge-to-Bridge Act. All other bridge-to-bridge stations will be inspected from time to time. An inspection of the bridge-to-bridge station on a Great Lakes Agreement vessel must normally be made at the same time as the Great Lakes Agreement inspection **is conducted by a technician holding one of the following: a General Radiotelephone Operator License, a GMDSS Radio Maintainer's License, a Second Class Radiotelegraph Operator's Certificate, or a First Class Radiotelegraph Operator's Certificate (by an FCC-licensed technician in accordance with Sec. 80.59)**

Comment: Replace existing bold with underlined bold.

Additionally, the technician must not be the vessel's owner, operator, master, or an employee of any of them. Ships subject to the Bridge-to-Bridge Act may, in lieu of an endorsed certificate, certify compliance in the station log required by section 80.409(f).

➤ Sub-parts R and S.

There do not appear to be any rules or references to other sections containing rules on watch keeping and log keeping. Log requirements are contained in 80.409 (f)

Comment: There should be rules added to Sub-parts R and S, clearly designating what portions of 80.409 are applicable thus allowing this information to be deleted from 80.409(f). The same changes should apply to rules on watch keeping. (80.304, 305, 308, 309, 313

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Summary: We wish to emphasize the importance of resolving the issues concerning log keeping and equipment testing that will remove existing contradictions and simplify the resulting rules.

Thank you for your consideration of these comments.

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